

## CHAPTER 4

### REAL ESTATE OPERATIONS IN FRIENDLY COUNTRIES DURING HOSTILITIES

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#### Section I. GENERAL

##### 53. Conditions

a. *Partial Invasion.* In the initial phases of a war, enemy forces may succeed in effecting a partial invasion and occupation of a friendly country. Halting this invasion and repelling the enemy may involve United Nations forces or United States forces acting under a mutual security agreement. Existing treaties and agreements concerning real estate must be modified to provide for the requirements of active hostilities.

b. *Total Invasion.* When a friendly country is occupied completely by enemy forces, real estate operations are similar to those conducted in hostile territory. If a government-in-exile is formed, it may not possess sufficient authority to make agreements that will be legally binding upon the national government following liberation of the country. When this situation exists, complete documentation of all real estate used by United States forces will be emphasized. An agreement should be effected with the government-in-exile concerning real estate operations within liberated areas over which it may exercise jurisdiction.

c. *Support of a Theater Outside the Country.* United States forces may be stationed in a friendly country to provide support for other forces engaged in hostilities elsewhere within the theater of operations. In providing real estate, the host country understandably will attempt to avoid subjecting its population to the danger of attacks on military installations by

enemy air, missile, or mass-destruction weapons. Subject to military necessity, efficiency of operation, and security, every effort will be made to utilize areas substantially removed from civilian centers of population. This does not mean that unsuitable areas will be accepted. It is the duty of the real estate officer to bring to the attention of the commander, United States forces, any action by the host government to force acceptance of such areas.

##### 54. Liberated Areas

a. To provide real estate support for the tactical operations necessary to liberate an invaded country, the commander of the United States forces must be granted adequate emergency powers and authority. Troops must have flexibility of movement and deployment, unhampered by restrictions on the use of real estate. In negotiations with the national government, the commander of United States forces must obtain the broadest degree of real estate authority consistent with the proper functions of government agencies.

b. Liberation of an area does not necessarily restore authority to the government. The theater commander, as civil administrator, determines when the area can be returned to government control. Until this decision has been announced, real estate operations are conducted in the same manner as in the occupied portions of enemy countries.

#### Section II. REAL ESTATE OPERATIONS IN INVADED COUNTRIES

##### 55. General

a. Real estate policies and procedures within a friendly country during hostilities are similar to those described in chapter 3, modified by any agreements effected between the United States and the government concerned.

b. In those instances where the advance of the United States forces will permit the liberated

area(s) to be returned to the control of the national government shortly after recapture, the use of real estate is of such brief duration that documentation is unnecessary. When the advance is halted, the commander responsible for real estate operations may recommend one of the following actions:

(1) Moving the rear boundary of the

combat zone forward and returning the area released to civil government jurisdiction if existing agreements so provide.

- (2) Establishing real estate documentation in specified portions of the combat zone, such as areas in rear of division or corps boundaries or those in which local government agencies are considered to be capable of assuming responsibility for real estate operations.

- c. When the destruction or removal of structures becomes necessary because of tactical requirements, accurate and detailed descriptions of property are placed on file at the central real estate office of record.

## 56. Organization

Hostilities within a friendly country may require a real estate Organization adapted both to procedures that follow a peacetime pattern and those required in active combat areas. In rear areas, real estate operations are based upon the original agreement with the national government, while in forward areas not under government control, conditions require operations similar to those conducted in enemy territory. As a result, three types of real estate organizations may be required:

- a. *Theater Real Estate Office.* If real estate operations are being conducted in several countries, a central theater real estate office is necessary.

- b. *Country Real Estate Office.* A separate real estate office for a country may be established if the seat of the national government is located a considerable distance from the theater headquarters.

- c. *Field Real Estate Organization.* AERE field teams capable of surveying, documenting, and administering real estate operations are established.

## 57. Documentation

If the United States forces were stationed in the friendly country before hostilities, documentation in the liberated areas follows the peacetime procedures provided in the governing agreement. Otherwise, a requisition receipt is used. When other forms of documentation are agreed upon, existing requisitions are amended to comply with the new requirements.

## 58. Acquisition

- a. *Urgent Need for Real Estate.* Hostilities within a friendly country create an urgent need for real estate in rear areas to accommodate large and dispersed logistical installations. If United States forces were stationed in the country before hostilities began, the existing real estate procedure usually will be too detailed and time consuming to be continued, and agreements must be amended to expedite the acquisition of new property.

- b. *Procurement by Host Government Military Force.* The national government may authorize its military forces to procure real estate for the United States command, with a joint liaison committee determining matters of policy and operations. This arrangement insures that real estate will be procured for the United States forces by personnel familiar with military requirements. Since the United States forces lose control over real estate valuation, agreements should establish a sound basis for appraising the value of property and the determination of equitable rents. War damage inflates the value of usable property unless controls are established and enforced by the national government.

- c. *Direct Procurement.* If a suitable agreement can be effected with the national government, direct procurement may be the most expeditious method of securing real estate. The agreement should provide that required real estate will be furnished for the United States forces without cost as a contribution to the joint defense effort. Property is acquired through local government agencies or through liaison officers of the country attached to the United States forces headquarters. Under this procedure, the United States forces can acquire new real estate promptly to meet tactical or logistical requirements. In a major emergency, such as attacks by guerrillas, airborne forces, or mass-destruction weapons, facilities could be relocated rapidly.

- d. *Need for Bilateral Agreement.*

- (1) If a bilateral real estate agreement is not made with the national government, the result will be chaos during hostilities and a great many exorbitant claims when hostilities cease. A unilateral statement of real estate policy

by the United States forces will not be binding upon the friendly government without adequate evidence of its acceptance. Every effort should be made through the Department of State to secure a bilateral agreement, a minute of understanding, or some other form of written instrument in which the foreign government con-firms its acceptance of United States real estate policy and procedures.

- (2) Before the formal concurrence of the national government has been obtained, real estate activities should be conducted in such a manner that the government will assert no objections. Wherever possible, the command responsible for real estate operations should obtain official copies of documents and other evidences of confirming action which indicate the approval of United States forces real estate activities by the national government.
- (3) When a bilateral agreement is negotiated, it should ratify the prior real estate activities of the United States forces from the beginning of hostilities. A report of all such transactions is prepared by the United States forces

real estate office and transmitted to the national government agency concerned.

## **59. Post-Liberation Conditions**

a. Total liberation of a friendly country, while ending active hostilities within the country, may not permit the complete resumption of peacetime real estate policies and procedures. If the liberated country serves as a base for United States forces advancing into enemy territory, the commander must retain some of his emergency authority over real estate operations. Logistical support installations may require additional real estate for expansion, both in rear areas and in areas closer to the national boundaries as installations are moved forward to shorten lines of communication. Before relinquishing any of his authority, the commander must consider the present and future deployment of his command, the attitude of the people toward the United States forces, and the stability of the national government and its sub-divisions.

b. The real estate field agency that may be required after liberation depends upon the extent of the post engineer Organization that is established. As post engineers assume responsibility for real estate, AERE teams are disbanded and their personnel usually are transferred to post engineer staffs.